



GOENBLUM & BERNSTEIN, P.L.C.
Intellectual Property Causes
1941 Roland Clarke Place
Reston, VA 20191
(703) 716-1191

3739

Attorney Docket No. P20596

In re application of : M. MATSUSHITA et al.

Serial No. : 09/848,301

Group Art Unit: 3739

Filed : May 4, 2001

Examiner: K. Schopfer

For : FLEXIBLE TUBE FOR AN ENDOSCOPE

THE COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

Sir:

Transmitted herewith is an election with traverse in the above-captioned application.

___ Small Entity Status of this application under 37 C.F.R. 1.9 and 1.27 has been established by a previously filed statement.

___ A verified statement to establish small entity status under 37 C.F.R. 1.9 and 1.27 is enclosed.

___ A Request for Extension of Time.

X No additional fee is required.

The fee has been calculated as shown below:

Claims After Amendment	No. Claims Previously Paid For	Present Extra	Small Entity		Other Than A Small Entity	
			Rate	Fee	Rate	Fee
Total Claims: 37	* 37	0	x 9=	\$	x 18=	\$0.00
Indep. Claims: 1	**3	0	x 42=	\$	x 84=	\$0.00
Multiple Dependent Claims Presented			+140=	\$	+280=	\$0.00
Extension Fees for Month				\$		\$0.00
Total:				\$	Total:	\$0.00

*If less than 20, write 20

**If less than 3, write 3

___ Please charge my Deposit Account No. 19-0089 in the amount of \$_____.

N/A A Check in the amount of \$_____ to cover the filing/extension fee is included.

X The Commissioner is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 19-0089.

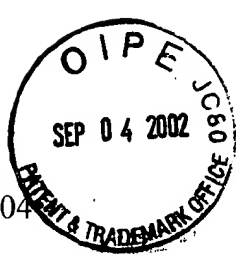
X Any additional filing fees required under 37 C.F.R. 1.16.

X Any patent application processing fees under 37 C.F.R. 1.17, including any required extension of time fees in any concurrent or future reply requiring a petition for extension of time for its timely submission (37 CFR 1.136) (a)(3)

Will. H. Lynde Reg. No.
Bruce H. Bernstein
Reg. No. 29,027 94,568

RECEIVED
SEP - 6 2002
3700 MAIL ROOM

P20596.A04



#7/elect.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : M. MATSUSHITA et.al.

Group Art Unit: 3739

Appl No. : 09/848,301

Examiner: K. Schopfer

Filed : May 4, 2001

For : FLEXIBLE TUBE FOR AN ENDOSCOPE

RESPONSE TO ELECTION REQUIREMENT WITH TRAVERSE

Commissioner of Patents and Trademarks
Washington, D.C. 20231

RECEIVED
SEP - 6 2002
TC 3700 MAIL ROOM

Sir:

In response to the Examiner's Election of Species Requirement dated August 9, 2002, setting a one month period for response extending until September 9, 2002, Applicants elect the Specie I, with traverse, for the reasons expressed below. Claims 2-17 are considered to be "readable" on the invention of Specie I, and claims 1 and 18-21 are considered to be generic (as set forth by the Examiner).

Applicants respectfully traverse the Election of Species Requirement. Although the Examiner's Office Action appears to accurately identify different embodiments of the claimed invention, Applicants respectfully request that all of the claims in the instant application be examined, pursuant to the guidelines set forth in MPEP §803. That is, the Examiner is respectfully requested to reconsider the requirement and find that there would not appear to be a "serious burden" on the Patent and Trademark Office in examining claims

P20596.A04

directed to the nonelected inventions since the search for the inventions identified by the Examiner would be coextensive or at least significantly overlap. It appears that if the Examiner were to perform a search for the embodiment of Specie I, there would not be a serious burden in examining the other embodiments, especially since all of the claims are directed to at least a flexible tube for an endoscope having a core body and a three layer laminate outer cover.

Because the search of each of the inventions would be coextensive, it would be no serious burden on the Examiner to examine all of the claims in the application. For this reason, and consistent with office policy as set forth in MPEP §803, Applicants respectfully request that the Examiner reconsider and withdraw the Election of Species Requirement.

For the foregoing reasons, it is submitted that the Election of Species Requirement in this application is improper and it is respectfully requested that it be reconsidered and withdrawn.

P20596.A04

Should the Examiner have any questions, please contact the undersigned at the telephone number provided below.

Respectfully submitted,
M. MATSUSHITA et al.

Will. E. Lyall Reg. No.

Bruce H. Bernstein
Reg. No. 29,027

41,568

September 4, 2002
GREENBLUM & BERNSTEIN, P.L.C.
1941 Roland Clarke Place
Reston, VA 20191
(703) 716-1191